



**HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA**

.....
MONDAY

OCT 1st, 2018

7:00 P.M.
.....

A. PLEDGE OF ALLEGIANCE

B. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

a. Sept. 17th Council minutes

3. COMMUNICATIONS

4. REPORTS

- a. Finance Committee Minutes – Sept 4th, 2018
- b. Infrastructure Committee Minutes – Aug. 27th, 2018
- c. Planning & Development Committee Minutes – None
- d. Services Committee Minutes – None

C. PUBLIC COMMENTS

D. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS

2. PUBLIC HEARINGS

- a. Proposed amendments to the Harbor Ordinance– *referral from Council, September 17th, 2018*

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Absentee ballot processing November 5th

NOTE: The Council will take a 5-minute recess at 8:00 pm.

4. UNFINISHED BUSINESS

5. NEW BUSINESS

- a. Council approval of the Edythe L. Dyer Community Library Meeting Rooms Policy – *referral from Finance & Administration Committee*
- b. Council referral to public hearing the proposed amendments to the Fees Ordinance – *referral from Finance & Administration Committee*
- c. Council referral to public hearing the proposed repeal of the Outdoor Wood Boiler Annual Licensing Ordinance – *referral from Finance & Administration Committee*
- d. Council referral to public hearing the proposed amendments to the Town Ways Ordinance – *referral from Finance & Administration Committee*

E. COMMITTEE REPORTS

F. MANAGER'S REPORT

G. COUNCILORS' COMMENTS

H. ADJOURNMENT



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

B-2-a

MONDAY

SEPT. 17TH, 2018

7:00 P.M.

Attending:

*Mayor McPike
Councilor McAvoy
Councilor Cormier
Councilor Wilde
Councilor Marble
Councilor Ryder*

*Town Manager Jim Chandler
Town Clerk Paula Scott*

Absent:

Councilor Wright

Mayor McPike called the meeting to order at 7:00 p.m.

- A. **PLEDGE OF ALLEGIANCE** – *Mayor McPike led the Pledge of Allegiance*
- B. **CONSENT AGENDA** – *Councilor McAvoy made a motion, seconded by Councilor Wilde to approve the consent agenda. Unanimous vote in favor, 6-0.*

Resolution 2018-148

1. SIGNATURES

2. SECRETARY'S REPORTS

- a. **Sept. 4th Council minutes**

3. COMMUNICATIONS

- a. **Victualer's License for Tradewinds Variety**

4. REPORTS

- a. **Finance Committee Minutes – Aug 20th, 2018**
b. **Infrastructure Committee Minutes – None**
c. **Planning & Development Committee Minutes – Aug. 1st, 2018**
d. **Services Committee Minutes – Aug. 13th, 2018**

NOTE: The Council will take a 5-minute recess at 8:00 pm.

C. PUBLIC COMMENTS - None

D. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS - None

2. PUBLIC HEARINGS

- a. **Proposed Ordinance Authorizing Appropriation and Borrowing of Funds to finance installation of a fire suppression water supply line to provide fire protection to the area of town north and west of Route 202, including future industrial buildings requiring increased water pressure and capacity within the Hampden Business and Commerce Park, Ammo Industrial Park and other lands suitable for commercial and industrial development. – referral from Council, September 4th, 2018 – At 7:07 Councilor Marble made a motion, seconded by Councilor Marble to open the public hearing. Unanimous vote in favor, 6-0.**

Resolution 2018-149

Councilor Marble made a motion, seconded by Councilor McAvoy to adopt the proposed ordinance authorizing appropriation and borrowing of funds in an amount not to exceed \$500,00 for the purpose stated in the ordinance. After Manager Chandler's explanation and Council discussion, the motion and the second were withdrawn as the session had not closed. At 7:13 Councilor Marble made a motion, seconded by Councilor McAvoy to close the public hearing. Unanimous, 6-0.

Resolution 2018-150

Councilor Marble made a motion, seconded by Councilor McAvoy to adopt the proposed ordinance authorizing appropriation and borrowing of funds in an amount not to exceed \$500,00 for the installation of a fire suppression water supply line to provide fire protection to the area of town north and west of Route 202, including future industrial buildings requiring increased water pressure and capacity within the Hampden Business and Commerce Park, Ammo Industrial Park and other lands suitable for commercial and industrial development. Unanimous, 6-0.

Resolution 2018-151

MINUTES

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

a. Update on nominations – *The clerk reported on the status of proper nomination papers and inquired if the Council wanted a Candidate's Forum. After discussion, Councilors voted by consent not to hold a Candidate's Forum. Councilors Cormier and Wilde were in favor, Councilors Ryder, Marble, McAvoy and Mayor McPike were in opposition.*

4. UNFINISHED BUSINESS - None**5. NEW BUSINESS**

- a. Council referral to public hearing the proposed amendments to the Hampden Harbor Ordinance – referral from Services Committee** – *Councilor Marble made a motion, seconded by Councilor Ryder, to refer the proposed ordinance amendments to public hearing for October 1st. Unanimous, 6-0.*

Resolution 2018-152

- b. Update on the status of the FEMA disaster reimbursement claim** – *The clerk reported that the FEMA reimbursement in the amount of \$70,200.26 has been submitted.*

E. COMMITTEE REPORTS

Planning & Development Committee – Councilor Ryder reported that the committee met on the 6th and discussed the asset that Tradewinds is to the community. An item for consideration at the request of a citizen is a rural place of assembly and the committee is looking into zoning.

Services Committee – Councilor Marble reported that the Harbor Ordinance, the parking RFQ and Vafiades landing. Members also discussed potential transit changes and a long-term bike and pedestrian trail.

Infrastructure Committee – Councilor Cormier reported that the next meeting is 9/24

Finance & Administration Committee – Councilor McAvoy reported that the committee was updated on the FEMA claim and began work on Council rules of procedure.

- F. MANAGER'S REPORT** – *Manager Chandler reported on the BACTS bike/pedestrian study and informational session on the 18th and the Town Center planning meeting coming up on the 25th.*

MINUTES

G. COUNCILORS' COMMENTS -

Councilor Ryder – No comment

Councilor Marble – Offered condolences to the family of Walter Whitney

Councilor Wilde – Encouraged the public to stop in to Tradewinds

Councilor Cormier – No comment

Councilor McAvoy – Encouraged everyone to shop local, buy American and wished Hampden a goodnight.

Mayor McPike – No comment

H. EXECUTIVE SESSION – Personnel Matters – pursuant to 1 MRSA § 405(6)(A) –

Councilor Marble made a motion, seconded by Councilor McAvoy to enter executive session pursuant to 1 MRSA § 405(6)(A), personnel matters. Unanimous, 6-0.

I. ADJOURNMENT – At the conclusion of the executive session the meeting was adjourned.

Respectfully Submitted,



Paula A. Scott, CCM
Town Clerk

FINANCE & ADMINISTRATION COMMITTEE MEETING

Tuesday September 4th, 2018

6:00 p.m.

Hampden Town Office

MINUTES

Attending:

*Chairman McAvoy
Councilor Ryder
Councilor Marble
Councilor Wilde
Councilor Cormier
Mayor McPike*

*Manager Chandler
Town Clerk Paula Scott
Tax Assessor Kelly Karter
DPW Director Currier
Steve Oxley
Chip Laitte
Alex Acquisito
Eric Jarvi*

1. Meeting Minutes

- a. **August 20th, 2018** – *Councilor Marble made a motion, seconded by Councilor Wilde to approve the August 20th minutes. Unanimous, 6-0.*

2. Review & Sign Warrants – *Committee members reviewed and signed the disbursement warrants.*

3. Unfinished Business

- a. **Council rules review – *standing item*** – *Consensus to take up at the conclusion of business items.*

4. New Business

- a. **Recommend Council referral to Public Hearing the proposed Ordinance Authorizing Appropriation and Borrowing of Funds to Finance Installation of a Water Main to the Business and Commerce Park to Provide Fire Suppression through the Issuance of General Obligation Bonds or Notes of the Town of Hampden, which may be callable, in a principal amount not to exceed \$500,000. – referral from Infrastructure Committee** – *Councilor Wilde made a motion to recommend Council refer the proposed ordinance to public hearing., seconded by Councilor Marble. Councilors Ryder, Marble, Wilde, McAvoy and Mayor*

*McPike voted in favor. Councilor Cormier voted in opposition.
Motion carries, 5-1.*

- b. **Recommend Council award contract for DPW Truck #32 replacement to Whited Ford and to authorize the expenditure of \$44,775 from DPW Equipment Reserve account 03-717-00 for the purchase - requested by DPW Director Currier –**
Councilor Marble made a motion to recommend council award contract for truck #32 to Whited Ford in the amount of \$44,775, seconded by Councilor Wilde. Director Currier noted that the amount on the agenda was incorrect and it should be \$44,235. Councilor Marble made a motion to amend to \$44,235, seconded by Councilor Wilde. Motion to amend passes, 6-0. Councilor Marble made a motion, seconded by Councilor Wilde to recommend Council award contract for truck #32 to Whited Ford in the amount of \$44,235. Unanimous, 6-0.
- c. **Recommend Council award contract for DPW Truck #35 replacement to Whited Ford and to authorize the expenditure of \$44,235 from DPW Equipment Reserve account 03-717-00 for the purchase – requested by DPW Director Currier -**
Councilor Wilde made a motion, seconded by Councilor Marble to recommend Council award contract for truck #35 to Whited Ford in the amount of \$44,235. Unanimous, 6-0.
- d. **Committee review of updated municipal tax rate calculation form – presented by Kelly Karter, Tax Assessor – Informational only, no action taken.**

5. Public Comment - None

6. Committee Member Comments – General comments were to discuss Council rules at the next meeting, specifically in relation to Committee structure.

7. Adjournment - With no further business, the meeting adjourned at 6:50 p.m.

Respectfully Submitted,



*Paula A. Scott, CCM
Town Clerk*

INFRASTRUCTURE COMMITTEE MEETING

Monday, August 27, 2018

MINUTES*Attending:*

*Councilor Mark Cormier, Chairman
Mayor Ivan McPike
Councilor Terry McAvoy
Councilor David Ryder
Councilor Stephen Wilde*

*Town Manager Jim Chandler
Jamie Holyoke, Superintendent -
Hampden Water District
Jim Conley – Water District -
Board Member
Chip Laite – Sargent Corp.*

Chairman Cormier called the meeting to order at 6 PM.

1. MINUTES

- a. July 23, 2018 Meeting** – *Motion by Councilor McAvoy seconded by Councilor Wilde to approve the minutes as written. Motion carried five in favor and none against.*

2. OLD BUSINESS

None

3. NEW BUSINESS

- a. Discussion regarding the need for improved water supply capacity to Hampden business Park and Ammo Industrial Park. See the attached Draft Analysis provided to the Water District from Woodard & Curran for background information – request of Town and Water District Staff**
- Discussion of the proposed F.W. Webb warehouse's need for fire suppression and the general water needs for the business park was explained by Town Manager Chandler.
- Jamie Holyoke superintendent of the Hampden Water District spoke about the water line proposal running through Jack Perry's field by the tree line. He spoke about the need for water pressure for the fire suppression system in the proposed F.W. Webb warehouse.
- Town Manager Jim Chandler spoke about the funding options for the water supply for fire suppression. Water supply infrastructure could be eligible for TIF funding. Town Manager Chandler also spoke about the overall possible tax revenue from F.W. Webb's proposed development.

4. STAFF UPDATES

- a. Status – Mayo Road Code Compliant – nothing reported at tonight's meeting
- b. Status – Mold Remediation Project at Municipal Building
Phase III – sheetrock and Painting complete this week. Flooring to begin.
Phase IV (final phase) – Initiating next week. Complete restoration target is September 28th for all phases
- c. Status – Schoolhouse Lane- Engineering due in mid-September. Review and approved by mid-October. Bid in Nov-Dec time-frame, construction in Spring of 2019.
- d. Crosswalks at Cottage and Kiwanis – paving on Monday 27th of August, striping and beacons Tuesday 28th of August.
- e. Paving – 2018 season is complete. Schoolhouse Lane paving budget (top coat only) spring 2019.
- f. Salt Shed – foundation is complete, construction starts this week. Paving completed later this fall.
- g. Public Access to gravel supplies, permitted by residents with shovels, for a few buckets, to fill potholes and driveway repair.

5. PUBLIC COMMENTS

6. COMMITTEE MEMBER COMMENTS

7. ADJOURN

There being no further business, the meeting was adjourned at approximately 7:00 p.m.

*Respectfully Submitted,
Rosemary Bezanson, Public Works*

**TOWN OF HAMPDEN, MAINE
HARBOR ORDINANCE**

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Draft

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Proposed Amendments to the Harbor Ordinance**

Deletions are ~~Strikethrough~~ Additions Double Underlined

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ADOPTED: Hampden Town Council: August 20, 1984
Effective date: September 19, 1984

AMENDED: Hampden Town Council April 20, 1992
Effective: May 20, 1992

AMENDED: Hampden Town Council November 17, 2003
Effective: December 17, 2003

AMENDED: Hampden Town Council [DATE] 2018
Effective [DATE] 2018

**TOWN OF HAMPDEN, MAINE
HARBOR ORDINANCE**

**ARTICLE I
BOUNDARIES AND JURISDICTION**

The rules and regulations contained herein shall govern water recreation, navigation, and all boating activities on the Penobscot River and its estuarine tributaries, extending from the Bangor City Line to the Winterport Town Line, to the thread of the river channel. The Hampden Marina area shall include that area on Turtle Head extending from the property line between land now or formerly owned by the City of Bangor and land now or formerly owned by the Lane Construction Corporation, southwest to a point 100 feet downriver from Turtle Head Point, extending to the thread of the river; also including Turtle Head Cove, from Turtle Head to the head of tide.

**ARTICLE II
HARBOR MASTER**

The Harbor Master shall be appointed annually by the Town Council and shall have the authority to enforce the rules and regulations of the Statutes of the State of Maine relating to the operation of vessels, as contained in Title 38 M.R.S.A., Chapter 1; and also shall have the authority to enforce applicable land use laws and ordinances as may be applicable, as contained in Title 30-A M.R.S.A., Chapter 187: §4452; other rules and regulations as contained herein.

**ARTICLE III
CHANNELS**

The ~~Main~~ main channel at the Hampden Marina shall extend in a southerly direction from the boat launching ramps approximately 400 feet to the main channel of the Penobscot River, to be marked by buoys from May 15th to October 15th of each year. The channel shall be kept clear for the passage of boats to the public landing float and the boat launching ramps.

There shall be no anchoring allowed within 100 feet of the channel lines, and tenders or dinghies shall not be allowed to encroach into the area of the channel outlined by the channel buoys.

**~~ARTICLE IV~~
~~FLOATS~~**

~~A landing float will be maintained at the Hampden Marina by the Town for the use of the public. No persons shall leave a vessel tied to the face of the public float for a period of longer than one hour without the direct permission of the Harbor Master, with the exception of the rowboats, canoes, dinghies, or other un-powered boats, which may be tied to the ends or rear of the float after registration with the Harbor Master. Any person who leaves a vessel moored to the public float beyond the allotted time shall be fined for each violation in the sum of not less than \$25.00 nor more than \$100.00 to be recovered on complaint by the Harbor Master before the District Court. Each day shall be considered a separate violation.~~

~~Boats over 15 feet in length shall not be allowed to be tied up to the dinghy area. (Amended 4/20/92)~~

~~Overnight tie up to the public float will be allowed only upon permission from the Harbor Master, with payment of a fee in accordance with the Town of Hampden Fees Ordinance. (Amended: 11-17-03)~~

ARTICLE ~~V~~ IV LAUNCHING RAMPS

The Harbor Master shall have jurisdiction over the public boat launching ramps. Boats and cradles shall not be left on the ramps at any time. Vehicles, trailers, and boats shall be parked or stored in designated areas only. No vehicles or boats shall be left unattended on the approach to the launch ramps.

No unattended tie-up of boats to the grounding floats will be allowed, nor will boats be allowed to tie up in any manner so as to interfere with the launching or retrieval of boats on the launch ramps. Any violation ~~will be subject to the same penalties as described above for the public float~~ shall be fined for each violation in the sum of not less than \$25.00 nor more than \$100.00 to be recovered on complaint by the Harbor Master before District Court. Each day shall be considered a separate violation.

ARTICLE ~~VI~~ V MOORINGS

A mooring area shall be established on the upriver side of the entrance channel to the boat launch ramps, extending upriver to an extension of the property line between land now or formerly owned by the City of Bangor and now or formerly owned by the Lane Construction Corporation. The maximum offshore distance for mooring shall be 350 feet from the mean highwater line.

Installation of private moorings will be subject to the approval of the Harbor Master upon payment of an annual fee in accordance with the Town of Hampden Fees Ordinance. *(Amended: 11-17-03)*

Said moorings shall be placed only in the precise areas designated by the Harbor Master. Residents of the Town of Hampden and the City of Bangor will be given priority with regard to the placement of private moorings. *(Amended 4/20/92)*

The Harbor Master shall register all moorings with the following information:

1. Name and address of the owner, and number of the vessel.
2. Location of the mooring.
3. Size and type of the mooring and chain.

All moorings shall be registered at the Town Office each year before May 1st. Each private mooring shall be assigned a number, which shall be displayed on the buoy in permanent letters at least 2½ inches high.

The maximum mooring scope from staple to bit shall be forty feet. The minimum mooring weight shall be one ton for stone or other bulk moorings, or the equivalent for swing-around moorings. The minimum bottom chain size shall be 3/8 inch. In addition to the foregoing specifications for moorings, the Harbor Master may enforce additional written specifications, to be conveniently available to the public upon request. *(Amended: 4-20-92)*

No changes in the location of moorings will be allowed without the approval of the Harbor Master. Moorings not registered by May 1st of each year shall become the property of the Town. Ownerships of private moorings are not transferable without the written permission of the Harbor Master. Moorings shall be inspected at least once every five years at the owner's expense, either by pulling or by underwater investigation. If, upon inspection, the mooring is considered by the Harbor Master to be unsafe, then it shall be repaired or replaced within a period of ten days at the expense of the owner.

Whoever violates any of the above conditions pertaining to moorings shall be liable upon complaint of the Harbor Master in the District Court for a fine of not less than \$25.00 nor more than \$100.00. Whoever willfully destroys any channel marker or buoy shall be liable upon complaint of the Harbor Master for a fine of not less than \$100.00 nor more than \$200.00

The anchoring of boats will not be allowed within the limits of the entrance channel or the mooring area. All boats shall be anchored downriver from the mooring area. The lower limit of anchored area shall be 100 feet downriver from Turtle Head. *(Amended: 4-20-92)*

Whoever anchors a boat in an improper location or manner shall be liable upon complaint of the Harbor Master in District Court for a fine of not less than \$25.00 nor more than \$100.00.

ARTICLE ~~VII~~ VI GENERAL REGULATIONS

Any use of the public facilities mentioned above, i.e., public floats, boat launching ramps, parking areas, moorings and ground floats shall be at the user's risk, and the Town of Hampden will not be liable for any damage or injury resulting from the use of said facilities. Boats and/or trailers will not be stored on the premises within the parking area for more than twenty-four (24) hours without the permission of the Harbor Master. *(Amended: 4-20-92)*

Swimming and or wading in or around the boat launch area is not permitted. All children under the age of 12 shall wear a life preserver at all times while on the floating dock. Dogs are allowed on the beach south of the launch ramp provided that they are under the owners control, but are not allowed on the boat launch ramp.

~~A Harbor Committee shall be appointed each year by the Town Council, consisting of five members, each serving three year terms. The initial Committee will have two members serving three years, two members serving two years, and one member serving one year. All new appointments will be for three year terms. The Town Manager and the Harbor Master shall serve as Ex Officio members. The Harbor Committee shall be composed of those persons having an interest in and knowledge of recreational boating, and those persons having a direct connection with the ownership and/or operation of facilities in the Turtle Head area.~~

~~The duties of the Committee shall include:~~

- ~~1. The general surveillance of the operation and maintenance of the Marina area, including shore side activities;~~
- ~~2. The establishment and the annual review of fees for the use of the public facilities;~~
- ~~3. The planning for further development and improvement of the Marina facilities, and~~
- ~~4. The planning and review of boating activities within the overall harbor jurisdiction.~~

~~The Committee shall file an annual report with the Town Council. The Harbor Committee shall be advisory in nature and any complaints, recommendations or requests shall be addressed to the Town Manager for further action.~~

The Harbor Master shall be responsible for carrying out the provisions of this Ordinance as well as the provisions of Title 38 M.R.S.A., Chapter 1. He/she shall keep a log of all activities within the harbor area

and shall collect all fees as hereinafter established to be turned over daily to the Town Clerk. The Harbor Master shall be subject to the authority and direction of the Town Manager.

**ARTICLE ~~VIII~~ VII
NUISANCE AND POLLUTION**

No watercraft shall be used or operated within the harbor area so as to cause danger, annoyance, disturbance or inconvenience to the public. Motorboats without suitable mufflers will be prohibited.

All watercraft operating within the Hampden Marina limits shall maintain a speed of not more than five knots.

No person or vessel shall dump or dispose of any refuse or garbage upon the shore of the Penobscot River or its tributaries, or upon the waters of the river. No vessel shall deposit, throw, sweep or cause to be deposited or swept into the waters of the Penobscot River or its tributaries any gasoline, oil, fuel or sewage, or any floating objects which may cause obstruction or danger to navigation.

Any master or owner of any vessel or boat, or any other person who shall violate any of the provisions of any rules or regulation contained herein to which a specific penalty is not annexed or otherwise provided by law, shall forfeit and pay a fine of not less than \$25.00 nor more than \$100.00, to be recovered upon complaint by the Harbor Master before District Court.



MEMORANDUM

D-3-a

106 Western Avenue
Hampden, Maine 04444
Office: 207-862-3034
Facsimile: 207-862-5067

TO: Town Council
FROM: Jim Chandler, Town Manager *JNC*
COPY: Paula Scott, Clerk
DATE: October 1, 2018
RE: Recommendation to Cancel November 5th Meetings

The upcoming national, gubernatorial and local elections on Tuesday, November 6th require significant preparation by staff. This includes the processing of absentee ballots on Monday November 5th and additional preparations and work, particularly by the clerk and her full-time and part-time administrative staff, in the previous week when we would ordinarily be preparing the agenda, minutes and packets for distribution.

For these reasons, coupled with the anticipated lack of matters requiring attention, staff respectfully request Council cancel the regularly scheduled meetings of Finance and Administration Committee and Council on Monday, November 5, 2018.

If Council is amenable, staff will post the appropriate notices on our website and in the normal locations where our Agenda is posted.

Thanks for your consideration of this request.

**Edythe L. Dyer Community Library
Meeting Rooms Policy**

1. Any group or organization seeking to use the facilities of the Edythe L. Dyer Community Library will coordinate dates and times with a member of the library staff, based on the following priorities:

- a. Library programs
- b. Hampden based non-profit organizations
- c. External non-profit organizations
- d. For-profit entities

2. Fee structure:

- a. Non-profit organizations during regular business hours—no charge (donations accepted)
- b. For-profit entities—\$50.00 for up to 3 hours during regular business hours
- c. Any use outside of regular business hours—\$50.00 per hour

3. All groups and organizations shall be responsible for setting up and cleaning up.

4. No alcoholic beverages are allowed on the premises.

Adopted by the Board of Trustees 10/1/1993; revised 12/1/1994; revised 11/10/2010; revised 1/8/2014; reviewed 11/9/2016; revised 9/18/2018

TOWN OF HAMPDEN, MAINE
FEES ORDINANCE

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APPENDIX A – SEWER CONNECTION FEE CALCULATION WORKSHEET	19
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- ADOPTED: Hampden Town Council October 20, 1986
Effective: November 19, 1986
- AMENDED: Hampden Town Council December 7, 1987
Effective: January 5, 1988
- AMENDED: Hampden Town Council March 21, 1991
Effective: April 21, 1991
- AMENDED: Hampden Town Council July 6, 1993
Effective: August 5, 1993
- AMENDED: Hampden Town Council December 20, 1993
Effective: January 19, 1994
- AMENDED: Hampden Town Council May 6, 1996
Effective: June 6, 1996
- AMENDED: Hampden Town Council February 7, 1998
Effective: March 18, 1998
- AMENDED: Hampden Town Council November 17, 2003

Effective: December 17, 2003

AMENDED: Hampden Town Council March 21, 2005
Effective: April 20, 2005

AMENDED: Hampden Town Council April 4, 2005
Effective: May 4, 2005

AMENDED: Hampden Town Council October 6, 2008
Effective: November 5, 2008

AMENDED: Hampden Town Council June 15, 2009
Effective: July 15, 2009

AMENDED: Hampden Town Council August 3, 2009
Effective: September 2, 2009

AMENDED: Hampden Town Council January 19, 2010
Effective: February 18, 2010

AMENDED: Hampden Town Council September 19, 2011
Effective: October 19, 2011

8.8.4, 8.9, 8.10, 8.11, 8.15, 8.16.1, 8.16.3,
8.16.5 (new 8.11 added and remainder of
Article 8 re-numbered)

AMENDED: Hampden Town Council April 23, 2012
Effective: May 23, 2012

New 1.13 added and remainder of Article 1
re-numbered, 3.5, 3.6, 3.7, 3.8, 7.2, 7.3,
added 7.4 and 7.5

AMENDED: Hampden Town Staff, November 27, 2012
Effective: December 27, 2012

Deleted Article 8.12 and 8.13

AMENDED: Hampden Town Council, April 22, 2014
Effective: May 22, 2014

Articles 6.2, 6.3 and 6.4

AMENDED: Hampden Town Council, September 2, 2014
Effective: October 2, 2014

Articles 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 8.8,
8.9, 8.10, and 8.16

AMENDED: Hampden Town Council, December 1, 2014
Effective: December 31, 2014

Articles 3.1, 3.3, 3.5, 3.7 and 3.8; 3.9 and
corrected numbering of Article 3; and
Articles 4.2, and 4.4

AMENDED: Hampden Town Council, February 16, 2016
Effective March 17, 2016

Article 2.9

AMENDED: Hampden Town Council, April 19, 2016
Effective May 19, 2016

Articles 1.8, 1.9, 1.15 (new), 2.3, 2.5, 2.7,
2.8, 2.13, 5.1, 5.2, 8.1, 8.3, 8.4, 8.6, 8.7,
8.10, 8.14, and 8.16

AMENDED: Hampden Town Council, May 16, 2016
Effective June 16, 2016

Articles 2.6, 2.12.2, 2.12.4, 2.16.2, 2.16.4,
2.16.5, and 2.16.8

AMENDED: Hampden Town Council, September 8, 2016
Effective October 8, 2016

Article 6.3.8, 6.3.9, and 6.4.4

AMENDED: Hampden Town Council, February 21, 2017

Articles 6.2.1- 6.2.7, 6.3.1 – 6.3.4, 6.3.11

**Preamble, Articles 1.2, 1.6, 1.10, 1.16, 1.17
2.9.1, 2.9.3, 2.9.4, 2.9.5, 2.12, 2.12.4 –
2.12.6, Footnote 1, 2.15, 2.16.2.1 – 2.16.2.5,
2.16.4, 2.16.4.1 – 2.16.4.3, 2.16.5, 2.16.9,
2.16.9.1 – 2.16.9.2, 2.16.10.4, Footnote 2,
2.16.10.4.1 – 2.16.10.4.4, 2.16.11.1, 2.16.12,
2.16.12.1 – 2.16.12.3, 5.2.5**

Article 2.1

Preamble, Article 1.12, 1.13,
1.16, 2.10.1 - 2.10.3, 2.11.1,
5.2.2-5.2.3, 8.2 – 8.12, 8.14, 8.16,
8.16.2, 8.16.5

Article 2.12.6, 2.16.8 (site plan),
2.16.11 (deleted commercial secure
landfill applications), 2.16.9 (added
conditional use)

Article 1.2.1, 1.2.2, 1.2.3, 1.7, 2.6.2, 2.6.3,
2.6.4, 7.6, 7.6.1, 7.6.2, 7.6.3

Paula A. Scott

Paula Scott, Town Clerk

3

TOWN OF HAMPDEN, MAINE FEES ORDINANCE

The Town of Hampden hereby ordains:

In addition to those Town fees and charges, the authorization of which is provided for by Town Ordinances, the following schedule of fees for Town services is approved:

Exemptions: All Town Government activities and projects shall be exempt from these fees except in the case where Maine Statutes dictate otherwise. Organizations located in Hampden with a not-for-profit status recognized by the Internal Revenue Service pursuant to 501(c)(3) shall be exempt from building permit fees (2.16.1), demolition fees (2.16.2(1-3)), sign permit fees (2.16.3), fees for certificates of occupancy and compliance (2.16.4) and additional inspection fees (2.16.5) *(Amended 11/6/17)*

ARTICLE 1 ADMINISTRATION

Amended 11-17-03, 3-21-05, 6-15-09, 4-23-12, 4-19-16, 5-15-17

Please note: Fees for items which are state regulated are subject to change without notice

- | | | |
|--------|--|--|
| 1.1. | Business or Corporation <u>Sole Proprietor</u> filing <i>(Amended 10/15/2018)</i> | \$10.00 (State Regulated) |
| 1.2. | Copy of (Marriage/Birth/Death) <u>Certificate</u> <u>Vital Record</u> <i>(Amended 5/15/17) (Amended 10/15/2018)</i> | |
| 1.2.1. | <u>Certified Copy</u> <i>(Amended 10/15/2018)</i> | \$15.00 (State Regulated) |
| 1.2.2. | <u>Each additional copy purchased the same day</u>
<i>(Amended 10/15/2018)</i> | \$ 6.00 (State Regulated) |
| 1.2.3. | <u>Attested Copy</u> <i>(Amended 10/15/2018)</i> | \$10.00 (State Regulated) |
| 1.3. | Copy of Subdivision Ordinance | At Cost |
| 1.4. | Copy of Zoning Ordinance | At Cost |
| 1.5. | Copy of other ordinances | |
| 1.5.1. | up to 20 pages | \$0.25/page |
| 1.5.2. | and a page after that | \$0.15/page |
| 1.6. | Photocopies | |
| 1.6.1. | 8½ inch x 11 inch or smaller (B&W) | \$0.25/page |
| 1.6.2. | 8½ inch x 14 inch (B&W) | \$0.50/page |
| 1.6.3. | 11 inch x 17 inch (B&W) | \$0.75/page |
| 1.6.4. | 8½ inch x 11 inch or smaller (color) <i>(Amended 5/15/17)</i> | \$1.00/page |
| 1.6.5. | 8½ inch x 14 inch (color) <i>(Amended 5/15/17)</i> | \$1.25/page |
| 1.7. | <u>Marriage License</u> <i>(Amended 10/15/2018)</i> | <u>\$40.00 (State Regulated)</u> |
| 1.8. | Notary Fee | Free for Hampden residents
\$3.00 for non-residents |
| 1.9. | Record Search | \$15.00/hour (for hours over 1) |

1.10. Recording of Pole Permits <i>(Amended 5/15/17)</i>	\$4.00
1.11. Tax Maps	
1.11.1. (11 inch x 17 inch)	\$50.00/complete set
1.11.2. (24 inch x 36 inch) <i>(Amended 05/15/17)</i>	\$8.00 map
1.12. Compact Disk copies of ordinances, documents or recorded meetings (audio only) <i>(Amended 11/6/17)</i>	\$5.00
1.13. DVD copies of video recorded meetings <i>(Added 4/23/12)</i> <i>(Amended 11/6/17)</i>	\$5.00
1.14. Liquor License <i>(Amended 6/15/09)</i>	
(Public hearing not required)	\$ 50.00
(Public hearing is required)	\$125.00 <u>\$150.00</u>
1.15. Incoming Faxes	\$1.00/page
1.16. Hunting on Town Land Authorization and Map Book <i>(Amended 5/15/17) (Amended 11/6/17)</i>	\$12.00 (resident) \$17.00 (non-resident)
1.17. Dog Licensing:	
1.17.1. Spayed/Neutered dog <i>(Amended 5/15/17) (Amended 10/15/18)</i>	<u>\$ 3.00</u> (State Regulated)
1.17.2. Male/Female dog <i>(Amended 5/15/17) (Amended 10/15/18)</i>	<u>\$ 11.00</u> (State Regulated)
1.17.3. Late Fee <i>(Amended 5/15/17) (Amended 10/15/18)</i>	<u>\$25.00</u> (State Regulated)

ARTICLE 2 FEES FOR ACTIVITIES REGULATED BY TOWN ORDINANCE *Amended 11-17-03, 3-21-05, 6-15-09, 8-3-09, 4-19-16, 05/15/17*

- 2.1. Animal Control Ordinance**
 - 2.1.1. Animal Impoundment Fee (*Amended 8/7/17*)
 - \$35.00 First offense
 - \$45.00 Second offense
 - \$55.00 Third offense
- 2.2. Cable Television Ordinance**
 - 2.2.1. Initial Franchise Application Filing Fee \$500.00
 - 2.2.2. Renewal Franchise Application Filing Fee \$500.00
 - 2.2.3. Modification of a Franchise Agreement \$500.00
 - 2.2.4. Combined Filing Fee for participating towns \$7,000.00
- 2.3. Cemetery Ordinance**
 - 2.3.1. Lot Fees including perpetual care.
 - 2.3.1.1. Resident \$325.00
 - 2.3.1.2. Resident - Infant or Cremation \$325.00
 - 2.3.1.3. Non-Resident \$450.00
 - 2.3.1.4. Non-Resident Infant or Cremation \$450.00
 - 2.3.2. Interment fees
 - 2.3.2.1. Grave Openings Weekdays Adult \$400.00
 - 2.3.2.2. Grave Openings Weekdays Infant or Cremation ~~\$125.00~~ \$150.00
 - 2.3.2.3. Grave Openings Weekends or Holidays Adult \$600.00
 - 2.3.2.4. Grave Openings Weekends or Holidays ~~\$200.00~~ \$300.00
Infant or Cremation
 - 2.3.3. Town Crypt Fees
 - 2.3.3.1. Resident Free
 - 2.3.3.2. Non-Resident \$50.00
 - 2.3.4. Disinterment \$1,000.00
 - 2.3.5. Vault Cremation \$400.00
 - 2.3.6. ~~Public Works Dept.~~ Cemetery Crew Labor After 3:00 PM \$35.00/hour/person
- 2.4. Concourse Gathering Ordinance**
 - 2.4.1. Concourse Gathering Permit Fee \$100.00
- 2.5. Floodplain Management Ordinance**
 - 2.5.1. Application Fee \$100.00
 - 2.5.2. Experts Fee
 - \$500.00 horizontal review
 - \$1,000.00 vertical review and horizontal review.
 - This is a draw account established for a professional to establish flood elevation data where possible. Any unspent funds are to be returned to the applicant
 - 2.5.3. Cost for public notices and mailings At cost
(Any "at cost" fee must be paid to the Town before the issuance of approved permits or variances, or action on a board order is undertaken).

2.6. Harbor Ordinance

2.6.1. Private mooring	\$100.00 annual fee.
2.6.2. Unattended tie-ups (Added 10/15/2018)	\$25.00 - \$100.00/day
2.6.3. Moorings violation (Added 10/15/2018)	\$25.00 - \$100.00/violation
2.6.4. Willful destruction of channel marker/buoy (Added 10/15/18)	\$100.00 - \$200.00/violation

2.7. Historic Preservation Ordinance

2.7.1. Certificate of Appropriateness Application Fee	\$75.00
2.7.2. Historic Site or Landmark Designation Application Fee	\$150.00
2.7.3. Cost of public notices and mailings	At cost

2.8. Mobile Home Park Ordinance

2.8.1. Annual Mobile Home Park License (This includes application review, initial inspection of premises and a follow-up inspection).	\$200.00
2.8.2. Additional Inspection Fee (If the town needs to perform additional inspections as a result of applicant deficiencies, each inspection will be charged prior to the inspection).	\$200.00

2.9. Sewer Ordinance (Amended 8/3/09, 2/16/16)

2.9.1. Sewer Service Charge Rate (Amended 8/3/09) (Amended 5/15/17)	\$11.60 per 100 cubic feet of water (c.f.w.) consumed as indicated by consumer's water meter.
2.9.1.1. Sewer Charge Flat Rate Town Water No Meter (Amended 5/15/17) (Amended 10/15/2018)	\$111.29
2.9.1.2. Sewer Charge Flat Rate Well Water No Meter (Amended 5/15/17)	\$182.66
2.9.2. Sewer Service Capital Charge (Deleted 10/15/2018)	
2.9.2.1. Base Rate for 1 to 2,999 c.f.w. consumed	\$0.00
2.9.2.2. 3,000 to 5,999 c.f.w. consumed (double base)	\$0.00
2.9.2.3. 6,000 to 8,999 c.f.w. consumed (triple base)	\$0.00
2.9.2.4. Other c.f.w. amount	\$0.00
2.9.3. Sewer Service Minimum Charge Rate (Amended 5/15/17)	\$31.39
2.9.4. Sewer Service "Ready to Serve" Charge (Amended 5/15/17)	\$31.39
2.9.5. Special Sewer Service Charge (Sewer Ord. Sec. 10.4) (Amended 5/15/17)	As determined by Town Council.
2.9.6. Sewer Service Charge Rate Outside Town Limits	As determined by Town Council.

2.10. Solid Waste Flow Control Ordinance

2.10.1. License Application Fee (initial one-time fee, Per Company, up to 4 Vehicles) (Amended 5/15/17) (Amended 11/6/17)	\$200.00
2.10.2. License Application Fee (initial one-time fee, Per Company, more than 4 Vehicles) (Amended 11/6/17)	\$250.00
2.10.3. Annual License Fee Per Vehicle (Amended 5/15/17) (Amended 11/6/17)	\$ 50.00

2.15. Zoning Ordinance

2.15.1. Building Permit Applications for all Construction	\$25.00 plus \$0.10 per sq. ft. of total building area including but not limited to finished areas, basements, attics, decks, pools, porches, sheds, garages, etc.
<i>(Plumbing Permit Application)</i>	<i>State Regulated</i>
2.15.2. Demolition/Earth Moving Permit Application	
2.15.2.1 Demolition (residential-with sewer connection) <i>(Amended 5/15/17)</i>	\$100.00
2.15.2.2 Demolition (residential-no sewer connection) <i>(Amended 5/15/17)</i>	\$50.00
2.15.2.3 Demolition (commercial) <i>(Amended 5/15/17)</i>	\$150.00
2.15.2.4 Earth Moving (Code Enforcement Issued) <i>(Amended 5/15/17)</i>	\$100.00
2.15.2.5 Earth Moving (Planning Board Issued) <i>(Amended 5/15/17)</i>	\$200.00
2.15.3. Sign Permit Application	\$25.00 per sign
2.15.4. Certificate of Compliance or Occupancy	
2.15.4.1 Certificate of Compliance Application <i>(Amended 5/15/17)</i>	\$100.00
2.15.4.2 Certificate of Occupancy Application <i>(Amended 5/15/17)</i>	\$100.00
2.15.4.3 Dual applications (filed together) <i>(Amended 5/15/17)</i>	\$150.00
2.15.5. Additional Inspections <i>(If the town needs to perform additional inspections as a result of applicant deficiencies). (Amended 5/15/17)</i>	\$35.00 per hour per inspector
2.15.6. Zoning Board of Appeals Variance Application	
2.15.6.1 General Variance	\$250.00
2.15.6.2 Dimensional Variance	\$250.00
2.15.6.3 Disability Variance	Free
2.15.6.4 Administrative Appeal Application	\$250.00
2.15.6.5 Cost for public notices and mailings	At cost
2.15.7. Zoning Ordinance Map Amendment Request <i>(Amended 5/15/17)</i>	
2.15.7.1 Amendment Application <i>(Amended 5/15/17)</i>	\$650.00
2.15.7.2 Cost for public notices and mailings	At cost
2.15.8. Site Plan Review Applications <i>(Amended 7/2/18)</i>	
2.15.8.1 Minor Revision	\$75.00

2.15.8.2	Minor Site Plan	\$150.00
2.15.8.3	Major Site Plan	
2.15.8.3.1	Less than 1 acre of land disturbance	\$300.00
2.15.8.3.2	1 to < 3 acres of land disturbance	\$600.00
2.15.8.3.3	3 to < 5 acres of land disturbance	\$850.00
2.15.8.3.4	5 to < 8 acres of land disturbance	\$1,200.00
2.15.8.3.5	8 acres or more of land disturbance	\$1,500.00
2.15.8.4	Draw Account Deposit (for technical review) ^{1, 2, 3} (Amended 5/15/17)	
2.15.8.4.1	General Engineering (Amended 5/15/17)	\$800.00
2.15.8.4.2	Stormwater Analysis (Where proposed use disturbs more than 20,000 sq. ft. of land). (Amended 5/15/17, 7/2/18)	\$600.00
2.15.8.4.3	Traffic Analysis (Where proposed use will generate at least 350 average daily trip ends). (Amended 5/15/17)	\$1,000.00
2.15.8.4.4	Construction Inspections ^{2, 3} (Where proposal includes any infrastructure proposed to be accepted by the Town of Hampden.) (Amended 7/2/18)	\$5,000
2.15.8.5	Cost for public notices and mailings (Amended 5/15/17)	At cost
2.15.9	Conditional Use Applications (Amended 7/2/18)	
2.15.9.1	Conditional Use without site plan	\$75
2.15.9.2	Conditional Use with site plan (This is in addition to the site plan review application fee)	\$50
2.15.9.3	Cost for public notices and mailings	At Cost

¹ In addition to the Planning Board application fees the applicant must make a deposit for a Peer Technical Review draw account when the nature of the review exceeds the technical capability of Town personnel. Applications which require subsequent re-review of additional information, or amended submittals shall be responsible to provide additional funds to cover the full peer review costs. (Amended 5/15/17)

² Upon exhausting in excess of 75% of the funds in the original deposit, the applicant shall provide additional funding in increments of 50% of the original deposit. (Amended 5/15/17)

³ Any remaining funds held in the draw account upon endorsement of the plan (for technical review accounts) or issuance of a certificate of compliance (for construction inspections), after all invoices are paid, shall be returned to the applicant. (Amended 5/15/17, 7/2/18)

ARTICLE 3
FIRE DEPARTMENT
Amended 11-17-03, 4-4-05; 4-23-12; 12-1-14

- | | | |
|-------------|--|--|
| 3.1. | <i>DELETED</i> <i>(Amended 12-1-14)</i> | |
| 3.2. | <i>Report Copies</i> | \$10.00 |
| 3.3. | <i>DELETED</i> <i>(Amended 12-1-14)</i> | |
| 3.4. | <i>Fee for pumping: 1 time emergency</i> | Free |
| 3.5. | <i>DELETED</i> <i>(Amended 12-1-14)</i> | |
| 3.6. | <i>Advanced Life Support 1 Rates</i> <i>(Amended 4-23-12)</i> | |
| 3.6.1. | ALS 1 Base Rate | \$685.00 |
| 3.6.2. | ALS 2 Base Rate | \$885.00 |
| 3.6.3. | ALS Non-Emergency Rate | \$475.00 |
| 3.6.4. | ALS Mileage | \$ 17.00 |
| 3.6.5. | ALS Backup Fee | \$100.00 |
| 3.7. | <i>Basic Life Support Rates</i> <i>(Amended 4-23-12; 12-1-14)</i> | |
| 3.7.1. | BLS Base Rate | \$550.00 |
| 3.7.2. | BLS Non-Emergency Rate | \$450.00 |
| 3.7.3. | <i>DELETED</i> <i>(Amended 12-1-14)</i> | |
| 3.7.4. | BLS Mileage | \$ 17.00 |
| 3.8. | <i>Ambulance Stand-by fee for special events</i>
<i>(Amended 4-23-12; 12-1-14)</i> | \$143.06 per EMS staff member
per 0 to 4 hour event. Each
additional 0 to 4 hour event
shall be billed at an additional
\$143.06 per EMS staff member. |
| 3.9. | <i>DELETED</i> <i>(Amended 12-1-14)</i> | |

ARTICLE 4
POLICE DEPARTMENT
Amended 11-17-03; 12-1-14

- | | | |
|-------------|---|--|
| 4.1. | <i>Report Copies</i> (accident or criminal) | \$10.00 for the first page
plus .25 per page
thereafter |
| 4.2. | <i>Special Detail</i> (Dances, games, guard duty, etc.) <i>(Amended 12-1-14)</i> | \$143.06 per officer for the first
two hours. Each additional hour
shall be billed at the current
average overtime rate plus
administrative fee. |
| 4.3. | <i>Concealed Weapons (Hand Gun) Permit</i> | |
| | 4.3.1. First Permit - State Maximum | \$35.00 |
| | 4.3.2. Renewal | \$20.00 |
| 4.4. | <i>DELETED</i> <i>(Amended 12-1-14)</i> | |

**ARTICLE 5
PUBLIC WORKS**
Amended 11-17-03, 4-19-16

5.1. Additional Fees

5.1.1.	Public Works Dept. Labor After 3:00 PM	\$200.00 per person (up to 4 hours); \$50.00 per person per hour for every hour above 4.
5.1.2.	Street Opening/Utility Connection Permit	\$50.00
5.1.3.	Sewer Connection	Determined based on proposed use and flow in accordance with Sewer Connection Fee Calculation Worksheet and Sewer Connection Fee Schedule.

5.2. Solid Waste Fees

5.2.1.	(DELETED 11/6/17)	Refer to Article 2
5.2.2.	(DELETED 11/6/17)	Refer to Article 2
5.2.3.	(DELETED 11/6/17)	Refer to Article 2
5.2.4.	Resident Transfer Station Decal (<i>Amended 10/15/2018</i>)	\$10.00 <u>\$100.00</u>
5.2.5.	Replacement of lost Transfer Station Decal (<i>Amended 5/15/17</i>)	\$5.00

ARTICLE 6
RECREATION
Amended 11-17-03, 4-22-14

6.1. Recreation Fee Waiver Policy: Any person interested in any Hampden Recreation program that feels they do not have the financial means to afford the full fee shall receive a waiver at the sole discretion of the Recreation Director. Full or partial fee waivers may be given as determined by financial need and the recreation program for which the waiver is requested.

6.2. Program Fees:

6.2.1. Kids Kamp (full week) <i>(Amended 2-21-17)</i>	\$140.00-\$160.00
6.2.2. Kids Korner AM Program (day) <i>(Amended 2-21-17)</i>	\$ 8.00-\$11.00
6.2.3. Kids Korner PM Program (day) <i>(Amended 2-21-17)</i>	\$12.00-\$15.00
6.2.4. Kids Korner Half Day Program (12-6 PM) (day)	\$25.00-\$30.00
6.2.5. Kids Korner Full Day Program (7 AM-6 PM) (day)	\$40.00-\$45.00
6.2.6. Team Sport-Resident (depend on session length)	\$35.00-\$40.00
6.2.7. Team Sport-Non Resident (depend on session length)	\$40.00-\$45.00
6.2.8. Program Registration Late Fee (per person, per program)	\$10.00

6.3. Skehan Recreation Center Fees:

(all requests are subject to availability and require advance written reservation contract and payment)

6.3.1. Gymnasium Rental-1/2 Gym <i>(Amended 2-21-17)</i>	\$25.00-\$40.00/hour
6.3.2. Gymnasium Rental-Full Gym <i>(Amended 2-21-17)</i>	\$50.00-\$75.00/hour
6.3.3. Allen Fitness Room Rental <i>(Amended 2-21-17)</i>	\$25.00-\$40.00/hour
6.3.4. Interior Classroom Rental <i>(Amended 2-21-17)</i>	\$25.00-\$40.00/hour
6.3.5. Gymnasium Rental Full Day	negotiated at contract
6.3.6. Allen Fitness Room Rental Full Day	negotiated at contract
6.3.7. Interior Classroom Rental Full Day	negotiated at contract
6.3.8. Affiliated Program Rental 1/2 Gym	negotiated at contract
6.3.9. Affiliated Program Rental Full Gym	negotiated at contract
6.3.10. Gymnasium Rental-Multi Day/Multi Week	negotiated at contract
6.3.11. Private Party Rental <i>(Amended 2-21-17)</i>	\$100.00-\$150.00
2 hours full gym includes classroom for any food consumed	

6.4. RESERVED Outdoor Play Field/Space Rental Fees: Ball Field or Soccer Field

(all requests are subject to availability and require advance written reservation contract and payment)

6.4.1. Single Field/Single Game-Resident	\$25.00
6.4.2. Single Field/Full Day-Resident	\$50.00
6.4.3. Single Field-Multi Day/Multi Week-Resident	negotiated at contract
6.4.4. Affiliated Program Rental	negotiated at contract
6.4.5. Single Field/Single Game-Non Resident	\$50.00
6.4.6. Single Field/Full Day- Non Resident	\$100.00
6.4.7. Single Field-Multi Day/Multi Week-Non Res.	negotiated at contract
6.4.8. Single Field-Light Use	\$15.00 per event

ARTICLE 7
LIBRARY

Amended 11-17-03, 1-19-10; 4-23-12

7.1. Library Fees

7.1.1. Resident Annual Fee	Free
7.1.2. Non-Resident Annual Fee	\$35.00/year
7.1.3. Overdue Fees	
7.1.3.1. Books and Periodicals	\$0.10/day
7.1.3.2. Audio or Video	\$0.10/day
7.1.3.3. Maximum Overdue Fee	\$3.00/item

7.2 Self-service Photocopies *(Amended 4/23/12)* \$0.25/page

7.3 Self-service Printer Pages *(Amended 4/23/12)* \$0.25/page

7.4 Self-service Sending of Faxes *(Added 4/23/12)*

7.4.1. Within United States	\$1.00/page
7.4.2. International	\$2.00/page

7.5 Receiving of Faxes *(Added 4/23/12)* Not Allowed

7.6 Meeting Room Use *(Added 10/15/2018)*

<u>7.6.1 Non-profit organizations during business hours</u>	<u>No Charge</u>
<u>7.6.2 For-profit organizations during business hours</u>	<u>\$50.00/up to three hours</u>
<u>7.6.3 Any use outside of business hours</u>	<u>\$50.00/hour</u>

ARTICLE 8
POOL

Amended 11-17-03, 4-4-05, 10-6-08, 9-19-11, 11-27-12, 9-2-14, 4-19-16

- 8.1. ***Susan G. Abraham Memorial Endowed Scholarship*** provides the opportunity to learn to swim (see 8.9 & 8.10) to those who could not otherwise afford it. The scholarship is based on individual assessment of financial need and recipient must be resident of RSU #22 District.
(Amended 9/19/2011; 9/2/2014)

- 8.2. ***Annual Resident Membership Fees:*** *(Amended 9/2/2014) (Amended 11/6/17)*

8.2.1. Family	\$276.00
8.2.2. Single Adult	\$168.00
8.2.3. Youth/Teen	\$130.00
8.2.4. Senior	\$157.00

- 8.3. ***Six Month Resident Membership Fees:*** *(Amended 9/2/2014; 4/19/16) (Amended 11/6/17)*

8.3.1. Family	\$173.00
8.3.2. Single Adult	\$106.00
8.3.3. Youth/Teen	\$ 83.00
8.3.4. Senior	\$101.00

- 8.4. ***Three Month Resident Membership Fees:*** *(Amended 9/2/2014; 4/19/16) (Amended 11/6/17)*

8.4.1. Family	\$106.00
8.4.2. Single Adult	\$ 67.00
8.4.3. Youth/Teen	\$ 57.00
8.4.4. Senior	\$ 62.00

- 8.5. ***Annual Non-Resident Membership Fees:*** *(Amended 9/2/2014) (Amended 11/6/17)*

8.5.1. Family	\$309.00
8.5.2. Single Adult	\$198.00
8.5.3. Youth/Teen	\$160.00
8.5.4. Senior	\$188.00

- 8.6. ***Six Month Non-Resident Membership Fees:*** *(Amended 9/2/2014; 4/19/16) (Amended 11/6/17)*

8.6.1. Family	\$193.00
8.6.2. Single Adult	\$125.00
8.6.3. Youth/Teen	\$103.00
8.6.4. Senior	\$119.00

- 8.7. ***Three Month Non- Resident Membership Fees:*** *(Amended 9/2/2014; 4/19/16) (Amended 11/6/17)*

8.7.1. Family	\$119.00
8.7.2. Single Adult	\$ 80.00
8.7.3. Youth/Teen	\$ 68.00
8.7.4. Senior	\$ 74.00

- 8.8. ***Daily Swim Fee for non-members*** *(Amended 9/19/2011; 9/2/2014) (Amended 11/6/17)*

8.8.1. Single Swim - Resident	\$ 5.00
8.8.2. Single Swim – Non-Resident	\$ 6.00
8.8.3. Resident 12 Use Punch Card	\$ 48.00
8.8.4. Non-Resident 12 Use Punch Card	\$ 60.00

- 8.9. Resident Swim Lessons** (Amended 9/19/2011; 9/2/2014) (Amended 11/6/17)
- 8.9.1. Members \$5.00 per class
 - 8.9.2. Non-Members \$6.50 per class
- 8.10. Non-Resident Swim Lessons** (Amended 9/19/2011; 9/2/2014; 4/19/16) (Amended 11/6/17)
- 8.10.1. Members \$7.00 per class
 - 8.10.2. Non-Members \$9.00 per class
- 8.11. Private Swim Lessons** (Amended 9/19/2011) (Amended 11/6/17)
- 8.11.1 Resident Member
 - 1 Child \$16.00 per class
 - 2 Children \$21.00 per class
 - 8.11.2. Resident Non-member
 - 1 Child \$21.00 per class
 - 2 Children \$26.00 per class
 - 8.11.3 Non-resident Member
 - 1 Child \$21.00 per class
 - 2 Children \$26.00 per class
 - 8.11.4 Non-resident Non-member
 - 1 Child \$26.00 per class
 - 2 Children \$32.00 per class
- 8.12. Deleted** November 27, 2012
- 8.13. Deleted** November 27, 2012
- 8.14. Adult Aqua Fitness:** (Amended 4/19/16) (Amended 11/6/17)
- 8.14.1. Residents \$5.00/class
 - 8.14.2. Non-Residents \$6.00/class
- 8.15. Gentle Aerobics** (deleted 9/19/2011)
- 8.16. Pool Party Package** (Limited Availability): (Amended 9/19/2011; 9/2/2014; 4/19/16)
(Amended 11/6/17)
- 8.16.1. Resident Pool/Lounge Rental (up to 50 total guests) \$100.00/hour
 - 8.16.2. (DELETED 11/6/17)
 - 8.16.3. Non-Resident Pool/Lounge Rental (up to 50 total guests) \$125.00/hour
 - 8.16.4. (DELETED 11/6/17)
 - 8.16.5. (DELETED 11/6/17)
- Note: Pool Party Package payments due in full at time of rental. Payments may be made online or in person, and may be paid by cash, check or credit card.*
- 8.17. Swim Diaper** \$1.00

**ARTICLE 9
ANNUAL REVIEW BY TOWN COUNCIL**

- 9.1** An itemized listing of fees for each town department will be submitted to the Town Council by the Town Manager on or before October of each year for the Council's review, revision, and approval.



**Appendix A: Town of Hampden
Sewer Connection Fee Calculation Worksheet**

Date: _____

Sewer Connection Location: _____

Address: _____

Contractor Name & Address

Name: _____

Address: _____

Phone: _____

Paid: _____

Check Number: _____

Eng Receipt: _____

Date: _____

Owner Name & Address

Name: _____

Address: _____

Phone: _____

Property Use: If applicable

Food Service Provided Y N

Grease Interceptor Y N

Oil/Sand Separator Y N

Area 1:	gpd/unit	\$/gpd	Fee	Category
Square feet		1.06	\$	
Units		1.06	\$	
Seats		1.06	\$	
Beds		1.06	\$	
Other		1.06	\$	

Area 2:	gpd/unit	\$/gpd	Fee
Square Feet		1.06	\$
Units		1.06	\$
Seats		1.06	\$
Beds		1.06	\$
Other		1.06	\$

Area 3:	gpd/unit	\$/gpd	Fee
Square Feet		1.06	\$
Units		1.06	\$
Seats		1.06	\$
Beds		1.06	\$
Other		1.06	\$

Total Connection Fee: \$ _____
(minimum Fee for Sewer Connection \$50.00)



**Appendix B: Town of Hampden
Sewer Connection Fee Schedule**

Amusement Park	Determined by Public Works Director	
Apartment Building	185	gpd/unit
Auto Body Shop	0.05	gpd/ft ²
Auto Sales Garage	0.05	gpd/ft ²
Bakery	0.15	gpd/ft ²
Bank	0.1	gpd/ft ²
Barber Shop	0.35	gpd/ft ²
Beauty Salon	0.75	gpd/ft ²
Boarding House	50	gpd/bed
Bowling Alley	75	gpd/lane
Car Wash	Determined by Public Works Director	
Church (sanctuary)	185	gpd
Day Care	10	gpd/child
Dry Cleaners	0.15	gpd/ft ²
Duplex, any Combination	270	gpd/unit
Fast Food Restaurant (no table service)	20	gpd/seat
Funeral Home	0.05	gpd/ft ²
Government Building	0.1	gpd/ft ²
Health Club	0.15	gpd/ft ²
Hospitals	150	gpd/bed
Hotels/Motels	100	gpd/unit
Industrial (process flow)	Determined by Public Works Director	
Laundry	2.0	gpd/20lb machine
Lodge	0.25	gpd/ft ²
Medical/Dental	0.15	gpd/ft ²
Mobile Homes	270	gpd
Nursing	100	gpd/bed
Offices	0.06	gpd/ft ²
Restaurant	35	gpd/seat
Retail	0.05	gpd/ft ²
Retirement	120	gpd/unit
Schools	10	gpd/student
Senior Housing Facility	65	gpd/island
Single Family Homes	270	gpd
Supermarket	0.05	gpd/ft ²
Taverns, Bars, Lounges	0.09	gpd/ft ²
Theater	3	gpd/seat
Train/Bus Stations	0.075	gpd/ft ²
Utilities	0.01	gpd/ft ²
Veterinarians	0.65	gpd/ft ²
Warehouse	0.05	gpd/ft ²

D-5-C

Sgt. T.D. Stewart
Sgt. Chris Bailey
Ofc. J.D. Burke
Ofc. Shawn Devine
Ofc. Wm. Miller
Ofc. Tony Lorenz

Sgt. Scott Webber
Inv. Joel Small
Ofc. Ben Eyles
Ofc. Marc Egan
Ofc. David Mustrall
Ofc. Jeff Rice



Lt. Dan Pugsley, Jr.
Lt. Jason Lundstrom
FF Jared LeBarnes
FF Shaun McNally
FF Matt Roope
FF Gavin Webb
FF Larry Hayward
FF Ken Roy
FF Oliver Bianchi

Lt. Matt St. Pierre
CH. Joe Duntton
FF Matt Thomas
CEO Myles Block
FF Chris Liepold
FF Ed Gardella
FF Dani Green
FF Chad Spann
FF Wm. Auger

Kandy McCullough, Office Manager
Chief Joseph L. Rogers, Director of Public Safety

POLICE

FIRE

EMS

CODE ENFORCEMENT

LOCAL HEALTH OFFICE

Memorandum

To: Mayor McPike and Hampden Town Councilors
From: Myles Block, Code Enforcement Officer *MB*
Date: September 24, 2018
CC: Jim Chandler, Town Manager, Joseph L. Rogers, Director of Public Safety, Paula Scott, Town Clerk
Re: Outdoor Wood Boiler Annual Licensing Ordinance Repeal

This memo is to request that the Town Council repeal the Town of Hampden Outdoor Wood Boiler Annual Licensing Ordinance. In consultation with Lt. Jason Lundstrom, Fire Inspector, we believe this Ordinance is now unnecessary for the regulation and use of Outdoor Wood Boilers.

The regulation of Outdoor Wood Boilers is covered under Chapter 150 of Maine DEP Rules, "CONTROL OF EMISSIONS FROM OUTDOOR WOOD BOILERS," and Uncertified (by the EPA Outdoor Wood-fired Hydronic Heater Program) Outdoor Wood Boilers cannot be imported, sold or installed in Maine. Nuisance smoke is also defined and regulated under Maine DEP rules. I also found that Maine DEP Setback requirements from property lines and neighboring residences is either the same or more strict than our Ordinance.

The only regulation that we have that I did not see in Maine DEP rules is the Months of Operation which restrict operation in the Town of Hampden from May 1st to October 1st.

Overall, we do not see any benefit in the Town having this licensing requirement anymore and violations can more easily be handled and enforced by Maine DEP.

Thank you for your consideration.

TOWN OF HAMPDEN

The Town of Hampden Hereby Ordains
Proposed Repeal of the OUTDOOR WOOD-FIRED BOILER ANNUAL LICENSING Ordinance

Deletions are ~~Strikethrough~~ Additions Double Underlined

~~ADOPTED: Hampden Town Council, March 19, 2007
Effective Date: April 18, 2007~~

REPEALED: Hampden Town Council, October 15, 2018
Effective Date: October 16, 2018

~~CERTIFIED BY: Denise Hodsdon
Name~~

Town Clerk
Title Affix Seal

OUTDOOR WOOD-FIRED BOILER ANNUAL LICENSING ORDINANCE CONTENTS

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**TOWN OF HAMPDEN, MAINE
OUTDOOR WOOD-FIRED BOILER ANNUAL LICENSING ORDINANCE**

**ARTICLE 1
TITLE AND PURPOSE**

~~1.1. **Title.** This chapter shall be known as the "Town of Hampden, Maine Outdoor Wood-Fired Boiler Annual Licensing Ordinance."~~

~~1.2. **Home Rule Authority.** It is adopted pursuant to Municipal Home Rule Law.~~

~~1.3. **Purpose.** Although outdoor wood-fired boilers may provide an economical alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and potential health effects of uncontrolled emissions. This Ordinance is intended to ensure that outdoor wood-fired boilers are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety and general welfare of the residents of the Town.~~

**ARTICLE 2
DEFINITIONS**

~~2.1. **Definitions.** As used in this chapter, the following terms shall have the meanings indicated:~~

~~"Outdoor wood-fired boiler (OWB)" (same as outdoor wood-fired furnace) means an accessory structure or appliance capable of being installed out of doors and designed to transfer or provide heat, via liquid or other means, through the burning of wood or any other nongaseous or non liquid fuels for heating spaces other than where such structure or appliance is located, any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or Jacuzzi water. "Outdoor wood-fired boiler or furnace" does not include a fire pit, wood-fired barbecue, or chiminea.~~

~~"Nuisance" means any odor, emission, or event that prevents the reasonable use and enjoyment of one's property. For purposes of this ordinance, an OWB shall constitute a nuisance following three or more verified complaints within any 30 day period.~~

~~"Firewood" means trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three inches in diameter.~~

~~"Untreated lumber" means dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint or other substance.~~

**ARTICLE 3
ANNUAL LICENSE REQUIRED**

~~3.1. **Annual license required.** In addition to any permit required under the Town's Fire Prevention Code, no person shall cause, allow or maintain the use of an outdoor wood-fired boiler within the Town of Hampden, Maine without first having obtained an annual license from the Hampden Town Council. Application for annual license shall be made to the Town Clerk on the forms provided.~~

~~3.2—Standards for initial license.~~ The Town Council shall issue an initial license for an outdoor wood-fired boiler if it determines that:

~~3.2.1—A permit has been issued for the proposed outdoor wood-fired boiler under the Fire Prevention Code; and~~

~~3.2.2—The proposed outdoor wood-fired boiler complies with the requirements of Sections 4.2, 4.3, 4.4 and 4.6 of this Ordinance.~~

~~3.3—Standards for renewal license.~~ The Town Council shall issue a renewal license for an outdoor wood-fired boiler if it determines that:

~~3.3.1. The code official responsible for enforcement of the Fire Prevention Code provides written documentation to the effect that the outdoor wood-fired boiler is in compliance with the applicable provisions of that Code;~~

~~3.3.2—The outdoor wood-fired boiler is in compliance with the requirements of Sections 4.2, 4.3, 4.4, and 4.6 of this Ordinance;~~

~~3.3.3. The outdoor wood-fired boiler was operated in compliance with the requirements of Sections 4.1 and 4.5 of this Ordinance during the preceding year; and~~

~~3.3.4—None of the conditions set forth in Sections 5.1.1, 5.1.2, 5.1.3, 5.1.4, or 5.1.5 of this Ordinance occurred during the preceding year.~~

~~3.4. Existing outdoor wood-fired boilers.~~ Any outdoor wood-fired boiler that was installed, connected, and operating as of the effective date of this Ordinance shall be permitted to remain, provided that the owner applies for and receives an annual license from the Town Council within 120 days of such effective date. Provided, however, that upon the effective date of this Ordinance all the provisions of this Ordinance, except Sections 4.2 *Permitted Zones*, 4.3 *Minimum Lot Size*, and 4.4 *Setbacks* in the event and to the extent that the existing outdoor wood-fired boiler in question does not comply with the same, shall immediately apply to any existing outdoor wood-fired boiler. Any existing outdoor wood-fired boiler that is not in compliance with Sections 4.3 and 4.4 shall not be made more nonconforming. If the owner of an existing outdoor wood-fired boiler does not receive a permit within one year of the effective date of this Ordinance, the outdoor wood-fired boiler shall be removed.

ARTICLE 4 SPECIFIC REQUIREMENTS

~~4.1. Permitted fuel.~~ Only firewood and untreated lumber are permitted to be burned in any outdoor wood-fired boiler. Burning of any and all other materials in an outdoor wood-fired boiler is prohibited.

~~4.2. Permitted zones.~~ Outdoor wood-fired boilers shall be permitted in all zoning districts except the Resource Protection District as shown on the Town's Zoning Map.

~~4.3. Minimum lot size.~~ Outdoor wood-fired boilers shall be permitted only on lots of three acres or more.

~~4.4. Setbacks.~~ Outdoor wood-fired boilers shall be set back not less than 150 feet from the nearest lot line. Additionally, outdoor wood-fired boilers shall be set back not less than 200 feet from neighboring residences.

~~4.5. **Months of operation.** Outdoor wood-fired boilers shall be prohibited from operation between the dates of May 1 and October 1.~~

~~4.6. **Spark arrestors.** All outdoor wood-fired boilers shall be equipped with properly functioning spark arrestors.~~

~~4.7. **Continued compliance required.** If an outdoor wood-fired boiler is installed in compliance with Sections 4.3 and 4.4, the outdoor wood-fired boiler may not be used if the lot on which it is situated is altered so that the minimum lot size or setback(s) are no longer met.~~

ARTICLE 5

REVOCATION OF LICENSE

~~5.1. **Revocation of license.** A license issued pursuant to this Ordinance may, after notice and hearing, be revoked as the Town Council may determine to be necessary to protect the public health, safety and welfare of the residents of the Town of Hampden if any of the following conditions occur:~~

~~5.1.1. Emissions from the outdoor wood-fired boiler exhibit opacity that obscures or partially obscures clear view of structures and trees that lay behind the smoke and haze on either the property where the outdoor wood-fired boiler is located or on adjoining properties. This may be evidenced by photographs that are time dated;~~

~~5.1.2. Malodorous air contaminants from the outdoor wood-fired boiler are detectable outside the property boundaries of the land on which the outdoor wood-fired boiler is located. This may be evidenced by Town Public Safety Officials;~~

~~5.1.3. The emissions from the outdoor wood-fired boiler interfere with the reasonable enjoyment of life or property;~~

~~5.1.4. The emissions from the outdoor wood-fired boiler cause damage to vegetation or property; or~~

~~5.1.5. The emissions from the outdoor wood-fired boiler are or may be harmful to human or animal health.~~

~~5.2. **Prohibited use after revocation.** If a license is revoked, the outdoor wood-fired boiler in question shall not be used or operated.~~

~~5.3. **Reinstatement of license.** A revoked license may be reinstated once the condition which resulted in revocation is remedied and reasonable assurances are given that such condition will not recur. Recurrence of a condition which has previously resulted in revocation of a license shall be considered a violation of this Ordinance subject to the penalties provided in Section 7.1 *Penalties for offenses* hereof.~~

ARTICLE 6

WAIVERS

~~6.1. **Waivers.** Where the Town Council finds that extraordinary and unnecessary hardships may result from strict compliance with this Ordinance, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variations will not have the effect of nullifying~~

~~the intent and purpose of this Ordinance or of jeopardizing the health, safety or welfare of the public. In varying any regulations, the Town Council may impose such conditions and requirements as it deems reasonable and prudent. The Town Council may, at its discretion, hold a public hearing as part of its review. If the Town Council grants the waiver, a license shall be issued for the outdoor wood-fired boiler. If the Town Council denies the waiver, the outdoor wood-fired boiler must either be brought into compliance with this Ordinance or removed. If the Town Council does not take any action with respect to the waiver within 60 days from its receipt of an application for waiver, the waiver shall be deemed denied.~~

ARTICLE 7

PENALTIES

~~7.1. *Penalties for offenses.* Failure to comply with any of the provisions of this Ordinance shall be a violation and, upon conviction thereof, shall be subject to a civil penalty in accordance with Title 30-A M.R.S.A. §4452. In addition, any license issued pursuant to this Ordinance shall be revoked upon conviction of a second offense and the subject outdoor wood-fired boiler shall not be eligible for another license. Each day that a violation occurs shall constitute a separate offense. All penalties shall inure to the benefit of the Town of Hampden. The owners of premises upon which prohibited acts occur shall be jointly and severally liable for violations of this Ordinance. Violators shall also be responsible for any and all court fees, expert witness fees, costs, and reasonable attorney fees if the Town is the prevailing party in an enforcement action.~~

ARTICLE 8

EFFECT ON OTHER REGULATIONS

~~8.1. *Effect on other regulations.* Nothing contained herein shall authorize or allow burning which is prohibited by codes, laws, rules or regulations promulgated by the United States Environmental Protection Agency, Maine Department of Environmental Protection or any other federal, state, regional or local agency. Outdoor wood-fired boilers, and any electrical, plumbing or other apparatus or device used in connection with outdoor wood-fired boilers, shall be installed, operated and maintained in conformity with the manufacturer's specifications and instructions and any and all local, state and federal codes, laws, rules and regulations. In case of a conflict between any provision of this Ordinance and any applicable federal, state or local ordinances, codes, laws, rules or regulations, the more restrictive or stringent provision or requirement shall prevail.~~

ARTICLE 9

SEVERABILITY

~~9.1. *Severability.* Should any provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.~~

ARTICLE 10

EFFECTIVE DATE

~~10.1. *Effective Date.* The effective date of this Ordinance shall be 30 days from the date of adoption by the Town Council.~~



MEMORANDUM

106 Western Avenue
Hampden, Maine 04444
Office: 207-862-3034
Facsimile: 207-862-5067

TO: Town Council
FROM: Jim Chandler, Town Manager *JNC*
COPY: Sean Currier, Public Works Director
DATE: October 1, 2018
RE: Proposed Vehicle Weight Restrictions Amendment to Town Ways Ordinance

Please find attached proposed language to amend the Town Ways Ordinance to add an Article addressing vehicle weight restrictions on town way bridges and culverts.

Background

The Maine Department of Transportation (MDOT) routinely inspects three locally-maintained bridges and identified deficiencies or preventative maintenance issues with two bridges within the Town. Specifically, the Manning Mill Bridge and Sawyer Road Culvert were assessed and are the subject of comprehensive reports provided to the Town in November 2017. This issue was discussed at Council meetings in July and August and as result of a public hearing held August 20th the Town has placed before voters in November a referendum question to fund the approximately \$450,000 estimated to complete repairs on these two bridges.

Recommendation of Proposed Ordinance Amendment

Staff recommends Council schedule the required public hearing for the purpose of adopting the proposed amended Town Ways Ordinance, which will include vehicle weight restrictions on designated town way bridges and culvert crossings. This amendment language has been prepared with the following items:

- MMA Sample Ordinance language provided by their Legal Services team
- Discussions with Maine DOT staff (previous and ongoing)
- Research of applicable MRSA Statutes (attached for your reference) specifically:
 - Title 29-A §2387. BRIDGE LOADS
 - Title 23 §5637. BRIDGE LOADS – INSPECTION, POSTING AND CLOSURE
- Manual for Uniform Traffic Control Devices (MUTCD), Section 6F.10 of the 2009 edition

The proposed amendment language is required to address the necessary precautionary warnings, restrictions and postings of bridges on town ways, pursuant to requirements of the State of Maine as defined in the appropriate Statutes enumerated in the ordinance language.

Legal Review

Review of the attached draft proposed amendment has been forwarded to our Counsel at Rudman Winchell, and final language presented for Public Hearing will be subject to any edits suggested by their review.

Fiscal Impacts

The cost of implementing this amended ordinance has nominal fiscal impact, in the form of purchase and installation of signs for the crossings of the Manning Mill Bridge and Sawyer Road Culvert.

TOWN OF HAMPDEN

The Town of Hampden Hereby Ordains

Proposed Amendment: “**Article 4. Vehicle Weight Restrictions**” to the Town Ways Ordinance

Deletions are ~~Strikethrough~~ Additions Double Underlined

Existing Ordinance Table of Contents below. Complete text available online.

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4.5. <u>Civil Penalties</u>	TBD

TOWN OF HAMPDEN

Proposed New Language is everything below:

Added to Article I.

1. 3. Definitions - Except as otherwise provided herein, the definitions contained in Title 29-A M.R.S.A. shall govern the construction of words contained in this Ordinance. Any words not defined therein shall be given their common and ordinary meaning.

Added in its entirety as Article IV.

4.1. Vehicle Weight Restrictions - Upon designation by the Town Manager and approval of the Town Council, vehicle weight limits and restrictions may be applied to bridges and culverts as may be located on town public ways, to prevent damage to town ways and bridges in the Town of Hampden. Such restrictions may be applied to vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town ways and bridges, and to reduce the public expense of their maintenance and repair. The Town Ways Ordinance is amended and adopted pursuant to 30-A M.R.S.A. § 3009; 29-A M.R.S.A. §§ 2395, 2387-2388; and 23 M.R.S.A. § 563.

4. 2. Restrictions and Notices - The Town Manager may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in the Town's judgment, be necessary to protect the traveling public and prevent abuse of the highways, and designate the town ways and bridges to which the restrictions shall apply.

Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein.

Pursuant to 29-A M.R.S.A. § 2395, the notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted. The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the traveled way, unless on a dead-end way where only the entering side shall be posted.

The Town may post specific vehicle weight restrictions on bridges or town ways as may be deemed necessary for temporary conditions of bridges, culverts and town ways. Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices. No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

4. 3. Exemptions - The Town acknowledges the following exemptions, as defined by and from time to time may be changed, Maine Statute. Additionally, the Town may deem it appropriate

TOWN OF HAMPDEN

upon petition by a citizen to review requests for a waiver for a specific vehicle or circumstance at a given location that otherwise is not directly addressed in the exemptions listed below.

- The following vehicles are exempt under State law: Any vehicle delivering home heating fuel or organic animal bedding and operating in accordance with a permit issued by the MDOT under 29-A M.R.S.A. § 2395 (4) and, when necessary during a period of drought emergency declared by the governor, any vehicle transporting well-drilling equipment for the purpose of drilling a replacement well or for improving an existing well on property where that well is no longer supplying sufficient water for residential or agricultural purpose and operating in accordance with a permit issued by the MDOT under 29-A M.R.S.A. § 2395 (4-A).
- Frozen road exemption: This ordinance shall not apply to any restricted road which is frozen. The highway is considered “frozen” only when the air temperature is 32° F or below and no water is showing in the cracks of the road. Both conditions must be met.
- The following vehicles are also exempt under the specific provisions of this ordinance:
 1. Any vehicle or combination of vehicles registered for a gross weight of 23,000 pounds or less.
 2. Any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and traveling without a load other than tools or equipment necessary for the proper operation of the vehicle. This exemption does not apply to special mobile equipment. It shall be a defense to a violation of this sub-4. if the combined weight of any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and its load is in fact less than 23,000 pounds.
 3. MaineDOT vehicles or other vehicles authorized by MaineDOT; or maintenance vehicles operated by the Town of Hampden or other municipality or county to maintain the roads under their authority.
 4. Any vehicle authorized by the Town of Hampden deemed necessary for the service or maintenance of properties not otherwise accessible except via passage over a particular bridge or culvert located on a town way.
 5. Authorized emergency vehicles as defined in 29-A M.R.S.A. § 2054, school buses, a wrecker towing a disabled vehicle of legal weight from a posted highway, and vehicles with three axles or fewer under the direction of a public utility and engaged in utility infrastructure maintenance or repair.
 6. Any two axle vehicles registered for a gross weight in excess of 23,000 pounds and less than or equal to 34,000 pounds that are carrying any of the Special Commodities may operate without a permit. Special Commodities includes any of the following:
 - a. Home delivered heating fuel (oil, gas, coal, stove size wood that is fewer than 36” in length, propane and wood pellets);
 - b. Petroleum products;
 - c. Groceries;
 - d. Bulk milk;
 - e. Bulk feed;
 - f. Solid waste;

TOWN OF HAMPDEN

- g. Organic animal bedding;
- h. Returnable beverage containers;
- i. Sewage from private septic tanks or porta-potties; or
- j. Medical gases.

4. 4. *Enforcement* - This Ordinance shall be administered and may be enforced by the municipal officers or their duly authorized designee [such as town manager, road commissioner, code enforcement officer or law enforcement officer].

4. 5. *Civil Penalties* - Any violation of this Ordinance shall be a civil infraction subject to a fine of not less than \$250.00 nor more than \$1000.00. Each violation shall be deemed a separate offense. In addition to any fine, the municipality may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs. Prosecution shall be in the name of the Town of Hampden and shall be brought in the Maine District Court.

Maine Revised Statutes
Title 23: TRANSPORTATION
Chapter 9: BRIDGES

§563. INSPECTION, POSTING AND CLOSURE

The department shall inspect all structures on public ways. [2017, c. 154, §1 (AMD) .]

1. Municipal-maintained structures. For a structure for which a municipality has maintenance responsibility, the department shall advise the municipality of its inspection findings, noted deficiencies and recommendations regarding posting or closure. The municipality has sole responsibility and authority to determine whether a structure must be posted or closed, except that the department may close the structure in cases of emergency or when the department reasonably determines closure is necessary to protect the traveling public from imminent hazard. If the department becomes aware of deficiencies in a structure that could impact posting or closure decisions, the department shall promptly notify the municipality. The municipality is responsible for all costs and expenses related to the posting and closure, including any needed notifications, procedures, signing and barricades.

[2001, c. 314, §2 (NEW); 2001, c. 314, §4 (AFF) .]

2. Department-maintained structures. For a structure for which the department has maintenance responsibility, the department has sole responsibility and authority to determine whether the structure must be posted or closed, except that a municipality may close the structure in cases of emergency. If the municipality becomes aware of deficiencies in a structure that could impact posting or closure decisions, the municipality shall promptly notify the department. The department is responsible for all costs and expenses related to the posting and closure, including any needed notifications, procedures, signing and barricades.

[2001, c. 314, §2 (NEW); 2001, c. 314, §4 (AFF) .]

SECTION HISTORY

2001, c. 314, §2 (NEW). 2001, c. 314, §4 (AFF). 2001, c. 667, §20,22 (AFF). 2017, c. 154, §1 (AMD).

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Maine Revised Statutes
Title 29-A: MOTOR VEHICLES AND TRAFFIC
Chapter 21: WEIGHT, DIMENSION AND PROTECTION OF WAYS

§2387. BRIDGE LOADS

1. Local authority to limit weight, number or speed. Officials responsible for the repair and maintenance of a bridge may limit the combined weight of vehicle and load or any axle, or the number or speed of vehicles permitted on a bridge to the limit necessary for the safety of life or property or the maintenance of the bridge.

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

2. Department of Transportation responsibility. If an official fails to set limits, the Department of Transportation may set limits.

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

3. Posting. Regulations are in effect when notice is conspicuously posted at each end of a bridge.

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

4. Advice. Limits must be based on the advice of the Department of Transportation or a registered professional civil engineer retained for the purpose of inspecting and determining the safe capacity of bridges. In an emergency, the officials may set limits as they may determine proper for the structural capacity or the maintenance of the bridge.

As soon as is reasonably possible, the officials shall seek the advice of the Department of Transportation.

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

5. Penalty. Violation of a posted bridge weight limit is a traffic violation, for which a forfeiture of \$20 per each full 1,000 pounds plus \$30 per each full 10% over the posted limit may be adjudged.

It is not a violation if the excess weight is less than 500 pounds multiplied by the number of axles less one.

If the violation is for excess weight less than 1,000 pounds multiplied by the number of axles less one, the fine is reduced by 50%.

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF) .

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